

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MARTIN IRVIN,

Plaintiff,

V.

TERRIS RICHARD and THREE
GEN, INC.,

Defendants.

CIVIL ACTION FILE
NO.

NOTICE OF REMOVAL

COME NOW defendants Terris Richard and Three Gen, Inc. ("Three Gen"), pursuant to 28 U.S.C. §§ 1441 and 1446, and file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On April 21, 2021, plaintiff filed a complaint in the State Court of Chatham County, Georgia Civil Action No. STCV21-00766, which county is within the Savannah Division of the Southern District of Georgia.

2.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. Defendants have no

knowledge of any other process, pleadings, or orders served in connection with this action, other than those attached hereto.

3.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

4.

There is complete diversity among the parties.

5.

Plaintiff is a citizen of the State of Georgia. (Compl., ¶1.) Mr. Richard is a citizen of the State of South Carolina. (Compl., ¶2.) Three Gen is a citizen of the State of South Carolina. (Compl., ¶4.) *See* 28 U.S.C. § 1441(a).

6.

Defendants make a plausible allegation that plaintiff seeks a recovery in an amount in excess of \$75,000, exclusive of interest and costs. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 555 (2014). Specifically, plaintiff seeks general and special damages for past and future medical expenses in the amount of **\$83,049.29**, lost wages, pain and suffering, property damages, punitive damages, and attorney's fees and litigation expenses under O.C.G.A. § 13-6-11.

(*Compl.* at ¶¶ 40-41; Prayer for Relief.) Further, plaintiffs' counsel would not agree to cap plaintiffs' damages at \$75,000. (*See* Exhibit B.)

6.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact; is warranted by existing law; and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this Notice of Removal having been filed, said action shall proceed in the United States District Court for the Southern District of Georgia, Savannah Division, and no further proceedings shall be held in said case in the State Court of Chatham County.

STONE KALFUS LLP

/s/ Shawn N. Kalfus

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing *NOTICE OF REMOVAL* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

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This 17th day of May, 2021.

/s/ Shawn N. Kalfus

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